

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Group Art Unit: 2176
William K. Bodin, <i>et al.</i>	§	
	§	Examiner: Rutledge, Amelia L.
Serial No.: 10/756,158	§	
	§	Atty Docket No.: AUS920031001US1
Filed: 01/13/2004	§	
	§	Customer No.: 34533
Title: Differential Dynamic Content	§	
Delivery With Prerecorded	§	Confirmation No.: 3349
Presentation Control Instructions	§	

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Commissioner for Patents
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APPEAL BRIEF

Honorable Commissioner:

This is an Appeal Brief filed pursuant to 37 CFR § 41.37 in response to the Final Office Action of August 29, 2006 (hereafter “the Office Action”) and pursuant to the Notice of Appeal filed November 28, 2006.

REAL PARTY IN INTEREST

The real party in interest in accordance with 37 CFR § 41.37(c)(1)(i) is the patent assignee, International Business Machines Corporation (“IBM”), a New York corporation having a place of business at Armonk, New York 10504.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences within the meaning of 37 CFR § 41.37(c)(1)(ii).

STATUS OF CLAIMS

Status of claims in accordance with 37 CFR § 41.37(c)(1)(iii): Thirty-nine claims are filed in the original application in this case. Claims 1-39 are rejected in the Final Office Action. Claims 1-39 are on appeal.

STATUS OF AMENDMENTS

Status of amendments in accordance with 37 CFR § 41.37(c)(1)(iv): No amendments were submitted after final rejection. The claims as currently presented are included in the Appendix of Claims that accompanies this Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide the following summary of the claimed subject matter according to 37 CFR § 41.37(c)(1)(v). This summary includes a concise explanation of the subject matter defined in each of the independent claims involved in the appeal and includes references to Appellants' original specification by page and line number and to the drawings by reference characters. The three independent claims involved in this appeal are claims 1, 14, and 27. Claim 1 recites a method differential dynamic content delivery. Claims 14 and 27 recite counterpart aspects of the method of claim 1. Claim 14 recites systems aspects of the method of claim 1. Claim 27 recites computer program product aspects of the method of claim 1.

Claim 1 recites a method for differential dynamic content delivery (page 50, lines 11-13,

and Figure 19). The method of claim 1 includes providing a session document for presentation (page 50, lines 13-15, and Figure 19, elements 450 and 266), wherein the session document includes a session grammar and a session structured document (page 50, lines 15-19, and Figure 19, elements 266, 258, 256, and 450). The method of claim 1 also includes receiving a prerecorded presentation control instruction (page 51, lines 12-16, and Figure 19, elements 458, 470, 472, 452, 256 and 402). The method of claim 1 also includes selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation (page 51, lines 12-16, and Figure 19, elements 458, 470, 472, 452, 256 and 402). The method of claim 1 also includes presenting the selected structural element to the user (page 53, line 19-20, and Figure 19, elements 454, 456, and 124).

Claim 14 recites a system for differential dynamic content delivery (page 50, lines 11-13, and Figure 19). The system of claim 14 includes means for providing a session document for presentation (page 50, lines 13-15, and Figure 19, elements 450 and 266, page 9, line 1- page 10, line 3, Figure 1, element 106), wherein the session document includes a session grammar and a session structured document (page 50, lines 15-19, and Figure 19, elements 266, 258, 256, and 450). The system of claim 14 also includes means for receiving a prerecorded presentation control instruction (page 51, lines 12-16, and Figure 19, elements 458, 470, 472, 452, 256 and 402, page 9, line 1- page 10, line 3, Figure 1, element 102). The system of claim 14 also includes means for selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation (page 51, lines 12-16, and Figure 19, elements 458, 470, 472, 452, 256 and 402, page 9, line 1- page 10, line 3, Figure 1, element 102). The system of claim 14 also includes means for presenting the selected structural element to the user (page 53, line 19-20, and Figure 19, elements 454, 456, and 124, page 9, line 1- page 10, line 3, Figure 1, element 102).

Claim 27 recites a computer program product differential dynamic content delivery (page

50, lines 11-13, and Figure 19). The computer program product of claim 27 includes a recording medium (page 8, lines 17-28). The computer program product of claim 27 also includes means, recorded on a recording medium, for providing a session document for presentation (page 50, lines 13-15, and Figure 19, elements 450 and 266, page 8, lines 17-28), wherein the session document includes a session grammar and a session structured document (page 50, lines 15-19, and Figure 19, elements 266, 258, 256, and 450). The computer program product of claim 27 also includes means, recorded on a recording medium, for receiving a prerecorded presentation control instruction (page 51, lines 12-16, and Figure 19, elements 458, 470, 472, 452, 256 and 402, page 8, lines 17-28). The computer program product of claim 27 also includes means, recorded on a recording medium, for selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation (page 51, lines 12-16, and Figure 19, elements 458, 470, 472, 452, 256 and 402, page 8, lines 17-28). The computer program product of claim 27 also includes means, recorded on a recording medium, for presenting the selected structural element to the user (page 53, line 19-20, and Figure 19, elements 454, 456, and 124, page 8, lines 17-28).

GROUND OF REJECTION

In accordance with 37 CFR § 41.37(c)(1)(vi), Appellants provide the following concise statement of each ground of rejection:

1. Claims 1-26 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.
2. Claims 1-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bryan et al. (hereinafter "Bryan"), U.S. Patent No. 6,658,414, issued December 2003, in view of Capra et al. (hereinafter "Capra"), "WebContext: Remote Access to Shared Context", ACM International Conference Proceeding Series, Vol. 15, Proceedings of the 2001 Workshop on Perceptive User Interfaces, 2001, p. 1-9.

ARGUMENT

Appellants present the following arguments pursuant to 37 CFR § 41.37(c)(1)(vii) regarding the grounds of rejection in the present case.

Argument Regarding The First Ground Of Rejection:
Claims 1-26 Are Rejected Under 35 U.S.C. § 101
Because The Claimed Invention Is Directed To
Non-Statutory Subject Matter

Claims 1-26 stand rejected under 35 U.S.C § 101 on grounds that the claimed invention is directed to non-statutory subject matter. The Office Action at page 2 states:

Claim 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In regard to independent claims 1 and 14, claims 1 and 14 are nonstatutory because they claim descriptive material *per se* not capable of causing functional change in the computer (*Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, hereinafter “Interim Guidelines”, p. 50-52).

...

As claimed, claim 1 claims descriptive material *per se* (*Interim Guidelines*, p50), not recorded on a computer-readable medium, and thereby is not statutory because the claimed invention is not capable of causing functional change in the computer. Similarly, while claim 14 claims a *system*, the system as claimed also represents a data structure which is not recorded on a computer readable medium and therefore is directed to software *per se*, and for this reason is nonstatutory. As claimed, claims 1 and 14 do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. In contrast, a claimed computer-readable medium is encoded with a computer program is a computer element which defines structural and functional interrelationship between the computer software and the rest of the computer which permit the software or

computer program's functionality to be realized, and would thus be statutory.

The rejection of claims 1-26 relies on to the Interim Guidelines at page 50. The rejection, however, reads the Interim Guidelines too broadly in rejecting claims 1-14. More specifically, the rejection reads the Interim Guidelines as an instruction to reject any method or system that does not explicitly recite a computer readable medium as nonstatutory. The Interim Guidelines at page 50 in fact only state that "descriptive material" is nonstatutory when "claimed as descriptive material per se." The Interim Guidelines do state that recitation of a computer readable medium may render the claim statutory. The Interim Guidelines however do not state that descriptive material is claimed as descriptive material per se when there is no recitation of a computer readable medium. In fact, such a reading of the Interim Guidelines would render all method claims as nonstatutory. Such a reading is too broad and therefore inconsistent with the Interim Guidelines and the cases cited by the Interim Guidelines.

According to 35 U.S.C. § 100(b), a 'method' is a process patentable under 35 U.S.C. § 101. It is well established by, for example, *In re Alappat*, 33 F.3d 1526, 31 USPQ2d 1545 (Fed. Cir. 1994)(in banc), and *State Street Bank & Trust Co. v. Signature Financial Group*, 149 F.3d 1368 (Fed. Cir. 1998), that claims to transformations of data through a series of calculations are claims to statutory subject matter within the meaning of 35 U.S.C. § 101 because a concrete, tangible, and useful result is produced. Claims 1-26 of the present application claim differential dynamic content delivery that include:

- providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;
- receiving a prerecorded presentation control instruction;

- selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and
- presenting the selected structural element to the user.

Claims directed to differential dynamic content delivery are clearly claims directed to a transformation of data within the meaning of *Alapat* and *State Street Bank* because ‘presenting the selected structural element to the user’ produces a useful, concrete, and tangible result. In fact, Applicants’ extensive specification sets forth over 70 pages clearly describing the concrete, tangible, and useful result of Applicants’ methods for differential dynamic content delivery as claimed in claims 1-26. Because claims 1-26 produce a concrete, tangible, and useful result, claims 1-26 are patentable subject matter under 35 U.S.C. § 101. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1-26.

Argument Regarding The Second Ground Of Rejection:
Claims 1-39 Are Rejected Under 35 U.S.C. § 103(a) As Being
Unpatentable Over Bryan Et Al. (Hereinafter “Bryan”), U.S. Patent No.
6,658,414, Issued December 2003, In View Of Capra Et Al. (Hereinafter “Capra”),
“Webcontext: Remote Access To Shared Context,” ACM International
Conference Proceeding Series, Vol. 15, Proceedings Of The 2001
Workshop On Perceptive User Interfaces, 2001, P. 1-9.

Claims 1-39 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Bryan, *et al.* (U.S. Patent No. 6,658,414 B2) in view of Capra, *et al.*, *WebContext: Remote Access to Shared Context*, ACM International Conference Proceeding Series, Vol. 15, Proceedings of the 2001 Workshop on Perceptive User Interfaces, 2001, pgs. 1-9. To establish a prima facie case of obviousness, three basic criteria must be met. *Manual of Patent Examining Procedure* §2142. The first element of a prima facie case of obviousness under 35 U.S.C. § 103 is that the proposed combination of Bryan and Capra must teach or suggest all of Applicants’ claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). The

second element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a suggestion or motivation to combine Bryan and Capra. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The third element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a reasonable expectation of success in the proposed combination of Bryan and Capra. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). As demonstrated below, the combination of Bryan and Capra does not establish a prima facie case of obviousness. The rejection of claims 1-39 should therefore be withdrawn and the case should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-39.

The Proposed Combination Of Bryan And Capra Does Not Teach
Or Suggest All Of Applicants' Claim Limitations

To establish a prima facie case of obviousness, the proposed combination of Bryan and Capra must disclose all of the Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Independent claim 1 of the present application claims:

1. (Original) A method for differential dynamic content delivery, the method comprising:

providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;

receiving a prerecorded presentation control instruction;

selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and

presenting the selected structural element to the user.

**Bryan And Capra Do Not Teach Or Suggest Providing A Session Document
For A Presentation, Wherein The Session Document Includes
A Session Grammar And A Session Structured Document**

The first element of claim 1 claims “providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document....” Regarding the first element of claim 1, the Office Action at pages 4 and 5 states:

A method for differential dynamic content delivery, the method comprising: providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document; Bryan teaches a voice portal for dynamic content delivery with a session database which maintains the session context and information for the user (Col. 9, l. 9-14). While Bryan does not explicitly teach providing a session document, i.e., a structured document, Capra teaches a method for differential content delivery, enabling remotely accessible shared context (p. 1, 2, Sect. 3), with a context grammar including session information and grammar, i.e., specifying the time frame in which web pages were browsed (p. 6, Sect. 5.2.3, especially, p.6 Col. 2, par. 7), contained in an XML document (p. 5-6, Sect. 5.2.2). Therefore, Capra teaches recording session information and a session grammar in a structured document.

That is, the Office Action takes the position that Bryan at column 9, lines 9-14 and Capra at pages 1 and 2 (which includes section 3), section 5.2.2, and section 5.2.3 teaches or suggests the first element of claim 1. Applicants respectfully note in response that what Bryan at column 9, lines 9-14 in fact discloses is:

When a user accesses his or her voice portal, session database 106 maintains a context for the user. For example, session database 106 may store state information indicating where the user is in a particular voice portal in order to allow the user to return to that location should the user so desire.

The modules and databases illustrated in FIG. 1 may execute on any

suitable hardware platform. In a preferred embodiment, the hardware platform comprises one or more enterprise servers 118. Enterprise servers suitable for use with embodiments of the present invention include the Enterprise 220 or 440 servers available from SUN Microsystems and the RISC 6000 available from IBM Corporation.

That is, Bryan at column 9, lines 9-14, discloses a session database that maintains a context for a user and locations in the voice portal accessed by a user. Bryan's session database that maintains a context for a user and locations in the voice portal accessed by a user is not providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document. The original application at the paragraph beginning at page 31, line 10, describes a session document stating:

A session document is a repository for filtered content, presentation content that is filtered according to attributes of an audience for a presentation, an audience that presents a range of affiliations, technical abilities, security authorizations, and other attributes as will occur to those of skill in the art. The purpose of a session document is to provide a repository for reducing the volume of data for a presentation with respect to unfiltered presentation documents. A session document is a document derived from a presentation document targeted for the participants of a presentation. More particularly, a session document is a data structure that includes a session grammar derived from a presentation grammar in a presentation document and a session structured document derived from a structured document in a presentation document. Further, it was notoriously well known in the art at the time of the invention that session information could be recorded in both structured documents and database entries.

That is, a session document is a document derived from a presentation document targeted for the participants of a presentation that includes a session grammar derived from a presentation grammar in a presentation document and a session structured document derived from a structured document in a presentation document. Bryan at column 9, lines 9-14, has nothing whatsoever to do with a session document as claimed in the application because Bryan's session database is clearly not a session document. Bryan's session database does not contain filtered presentation content according to attributes of an audience for a presentation. In fact, Bryan at column 9, lines 9-14, does not even

mention 'session document,' 'session document for a presentation,' 'session grammar,' 'a session structured document,' or 'providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document.' Because the combination of Bryan and Capra does not teach or suggest each and every element and limitation of Applicants' claims, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to Capra at pages 1 and 2, Applicants respectfully note in response that what Capra at pages 1 and 2 in fact discloses is a system that allows a user to browse web pages on a computer and then remotely make queries about the information seen on the web pages using a telephone-based voice user interface. Capra's system that allows a user to browse web pages on a computer and then remotely make queries about the information seen on the web pages using a telephone-based voice user interface is not providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document. As mentioned above, a session document is a document derived from a presentation document targeted for the participants of a presentation that includes a session grammar derived from a presentation grammar in a presentation document and a session structured document derived from a structured document in a presentation document. Capra at pages 1 and 2 has nothing whatsoever to do with a session document as claimed in the application. In fact, Capra at pages 1 and 2 does not even mention 'session document,' 'session document for a presentation,' 'session grammar,' 'a session structured document,' or 'providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document.' Because the combination of Bryan and Capra does not teach or suggest each and every element and limitation of Applicants' claims, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to section 5.2.2 of Capra, Applicants respectfully note in response that what Capra at section 5.2.2 in fact discloses is:

Building Context Models (2)

The second part of the WebContext architecture is focused on building models of context based on the archived web pages that the user browsed (i.e. the pages collected by the proxy server).

Currently, we model context by extracting information out of the archived HTML pages. An extractor program (written in Perl) with modules for extracting various information pieces is run on each HTML page in the set of archived pages. For each page, the extractor produces a counterpart XML document that represents context indicators and information pieces found on that page. The XML document is stored in a simple XML-based specification language we have been developing to help represent context. For convenience in this paper, we will refer to this as the Shared Context Representation Markup Language (SCRML). This representation is in the early development stages and is still evolving.

The extractor program looks for two major types of data in the HTML pages: extractable information pieces and context indicators. Information pieces are things like phone numbers, addresses, and dates that the extractor has a module to identify and extract. Context indicators are items on the page that help identify it and related pages. The title of the page, words that appear in links or in bold type, and headings can all be used as context indicators. The body text of the page is also treated as a context indicator and is used in later processing stages to help build a language model to allow the user to speak about words and phrases they saw on the page.

The SCRML page contains information pieces found by the extractor modules, context indicators found by the extractor main program, and additional information that can be determined about the page or that has been provided by the proxy server or browser. Figure 4 shows an example of the SCRML generated from the Anytown Hotel web page example (Figure 1).

That is, Capra at section 5.2.2 discloses building models of context based on the archived web pages that a user browsed. Capra's models of context based on the archived web pages that a user browsed is not providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document as

claimed in the present application. As explained above, a session document is a document derived from a presentation document targeted for the participants of a presentation that includes a session grammar derived from a presentation grammar in a presentation document and a session structured document derived from a structured document in a presentation document. Capra's models of content are not session documents because Capra's models have nothing to do with a session grammar and a session structured document. Capra's models do not contain filtered presentation content according to attributes of an audience for a presentation. In fact, Capra at section 5.2.2 does not even mention 'session document,' 'session document for a presentation,' 'session grammar,' 'a session structured document,' or 'providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document.' Because the combination of Bryan and Capra does not teach or suggest each and every element and limitation of Applicants' claims, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to section 5.2.3 of Capra, Applicants respectfully note in response that what Capra at section 5.2.3 in fact discloses is creating a grammar for use by voice applications from the information stored in the document models mentioned above. Capra's grammar for use by voice applications is not providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document as claimed in the present application. As explained above, a session document is a data structure that includes a session grammar derived from a presentation grammar in a presentation document and a session structured document derived from a structured document in a presentation document. Capra's grammar is neither a session document nor a session grammar of a session document because Capra's grammar is not derived from presentation grammar. In fact, Capra at section 5.2.3 does not even mention 'session document,' 'session document for a presentation,' 'session grammar,' 'a session structured document,' or 'providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document.' Because the combination of Bryan and Capra does not teach or suggest each and every

element and limitation of Applicants' claims, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Bryan Does Not Teach Or Suggest Receiving A Prerecorded Presentation Control Instruction; Selecting From The Session Structured Document A Classified Structural Element In Dependence Upon The Prerecorded Presentation Control Instruction And In Dependence Upon User Classifications Of A User Participant In The Presentation; And Presenting The Selected Structural Element To The User

The second, third, and fourth elements of claim 1 claims "receiving a prerecorded presentation control instruction; selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and presenting the selected structural element to the user." Regarding the second element of claim 1, the Office Action at pages 5 and 6 states:

Claim 1 also cites: receiving a prerecorded presentation control instruction; selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and presenting the selected structural element to the user.

Bryan teaches that a user may create a unique, personalized voice portal with keywords, and audio macros, i.e., prerecorded presentation control instructions, which are linked with user classifications, such as data sources of interest, as well as the user identification (Col. 9, l. 22-60). The user uses the prerecorded keywords or macros to access and be presented with presentation elements, such as a stock quote or user specified information (Col. 11, l. 6-54).

That is, the Office Action takes the position that Bryan at column 9, lines 22-60 and column 11, lines 6-54 discloses the second, third, and fourth elements of claim 1. Applicants respectfully note in response, however, that what Bryan at column 9, lines 22-60, in fact discloses is:

FIG. 2 is a flow chart illustrating the overall process flow of the methods and systems for generating and providing access to user-definable voice

portals according to an embodiment of the present invention. In FIG. 2, in step ST1, when a user desires to create a voice portal, the user accesses topic radio tuner user interface 100 and topic radio engine 104 assigns the user a unique identifier. This identifier is important because it identifies the user and associates the user with a voice portal. The identifier may be any suitable identifier for uniquely identifying the user. For example, the identifier may be a number or combination of characters selected by the user or generated by the system. In an alternative embodiment, the systems for generating and providing user access to voice portals may use biometric identification methods, such as a voice signature, a fingerprint, retinal scan, or any other suitable identifier for uniquely identifying the user.

Once an identifier has been assigned to the user, in step ST2, topic radio engine 104 extracts, based on the identifier, a template from template database 108 which prompts the user for data sources, keywords for searching the data sources, time intervals of interest for the searches, and vocabulary words or grammar associated with the information. This step allows the user to select not only the data sources that are of interest to the user, but also a word or phrase (the audio macro) that is easy for the user to remember in order to access the data sources. For example, a cardiologist may choose "heart" as the vocabulary word or audio macro to be spoken in order to access all articles in the last three months on the New England Journal of Medicine on angiogenesis. The user may associate different vocabulary words with different data sources. For example the user may select "portfolio" to access stock quotes for stocks in the user's stock portfolio. Because each user defines an individual voice portal, if there are one million or more users, the users can define the same audio macro "heart" and associate the audio macro with one million different data sources.

That is, Bryan at column 9, lines 22-60, discloses generating and providing access to user-definable voice portals using an audio macro. Bryan's generating and providing access to user-definable voice portals using an audio macro is not: receiving a prerecorded presentation control instruction; selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and presenting the selected structural element to the user as claimed in the present application. Applicants describe presentation control instructions in the original application at the paragraphs beginning on page 9, line 21, stating:

In typical embodiments, presentation control instructions are represented by and formulated from presentation action identifiers (reference 518 on Figure 5). Key phrases are spoken by users and presented as speech input to voice response server (104) where they are parsed and used to select a presentation action identifier (518 on Figure 5) from a VRS grammar (105). VRS grammar (105) is formed dynamically from presentation grammars (120) in use in a presentation session (128). In some embodiments, VRS grammar (105) is formed dynamically from user grammars from user profiles (126). Presentation Session Control Language ("PSCL") stream (132) represents a stream of presentation control instructions composed of presentation action identifiers (518 on Figure 5) and optional presentation control parameters (520 on Figure 5) from VRS (104) to presentation server (102) which is programmed to present (134) structured multimedia content (136) from structured documents (122) to users (124) in accordance with such presentation control instructions (132).

Figure 2 includes a profile class (126) whose objects represent presentation users. The profile class (126) includes a user name (204), a password (206), and a reference to a user grammar (208). A user grammar is a data structure that includes a set of key phrases that are used to select presentation action identifiers specific to a user for use in formulating presentation control instructions. For a presentation control instruction that instructs a presentation session to carry out the presentation action 'page down,' for example, an individual user may chose to associate with that presentation control instruction the key phrase "rock and roll" or "boogie on down" or any other key phrase favored by a user as will occur to those of skill in the art. Although these particular examples are somewhat fanciful, in fact, user grammars serve a useful purpose by providing key phrases for presentation control instructions that distinguish normal speech. In a discussion of a word processing document, for example, references to pages and paragraphs may abound, and using a distinctive phrase to invoke presentation control instructions on pages and paragraphs reduces the risk of confusion on the part of a voice response server and a presentation session.

That is, presentation control instructions instruct a presentation session to carry out a presentation action such as, for example, 'page down.' Furthermore, Readers will note from the elements of claim 1 listed above that a classified structural element is included in a session structured document, which, in turn, is included in a session document. As explained above, a session document is a document derived from a presentation document targeted for the participants of a presentation that includes a session grammar derived from a presentation grammar in a presentation document and a session structured

document derived from a structured document in a presentation document. A voice portal of Bryan is an audio interface that allows an end user to search and access information using primarily spoken commands. Bryan at column 1, lines 17-19. An audio macro of Bryan is a word a user assigns to access either a specific source or piece of information or multiple sources or pieces of information with due regard to the associated reference source, full-text search, and temporal information. Bryan at column 5, lines 47-51. Bryan's voice portals and audio macro, therefore, have nothing whatsoever to do with presentation control instructions, a session document, or classified structural elements as claimed in the present application. In fact, Bryan at column 9, lines 22-60, does not even mention 'classified structural element,' 'session structured document,' 'presentation control instruction,' 'user classifications of a user participant in the presentation,' 'receiving a prerecorded presentation control instruction,' 'selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation,' and 'presenting the selected structural element to the user.' Because the combination of Bryan and Capra does not teach or suggest each and every element and limitation of Applicants' claims, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to Bryan at column 11, lines 6-54, Applicants respectfully note in response that what Bryan at column 11, lines 6-54 discloses is:

Referring back to FIG. 2, once a user has selected vocabulary words or audio macros, data sources, and time intervals, in step ST3, topic radio engine 104 stores this information in database 108 and provides the data source, keyword, and time information to data gathering engine 110, which searches the specified data sources using the specified keywords and stores the results in cache/database 114. Storing the user-specified audio macros, data sources, keywords, and temporal information in database 108 and pre-fetching the information requested by that user effectively creates a unique voice portal per user (step ST4). Searching the user-specified data sources may be performed continuously or periodically to decrease access time when the user seeks to access the information via the user's voice portal. In addition, because the searching only occurs in

the user-specified data sources, the level of detail in a search can be increased. For example, a user may select IEEE Spectrum magazine as a data source. Because the search space is limited, the level of detail is increased. In this example, full text searching of the articles in IEEE Spectrum magazine could be accomplished without an undue burden on system resources because the search space is limited. Such full text searching is not feasible in conventional voice portals that utilize the entire Internet as the data source being searched when a user enters a request.

Once the search results have been cached or stored in a database, topic radio engine 104 is prepared to serve the information to the user. In step ST5, topic radio engine 104 provides access to the unique voice portal per user via a user interface device, such as a telephone (landline or mobile), a personal digital assistant (PDA), a personal computer, or any other form of user interface device. The user may utilize the vocabulary word or vocabulary words defined by that user to access the user's data sources. This greatly facilitates an individual's ability to access information. In addition, if a user desires to save information for later listening, the user may utter a predetermined keyword, such as "save", and the message may be saved in any suitable format for later access, such as a .WAV file or a text file, and sent to the user's email account or other location, such as the user's PDA, fax machine, etc., for later listening or access.

In step ST6, topic radio engine 104 allows the user to modify the voice portal to change the voice portal that has been previously generated for the user by repeating steps ST2-ST5. The steps illustrated in FIG. 2 may be repeated by each user in a multi-user system to generate unique per-user voice portals having user-specified data sources, search keywords, time periods, and grammar.

That is, Bryan at column 11, lines 6-54, discloses creating a voice portal for a user by storing user-specified audio macros, data sources, keywords, and temporal information in a database, and pre-fetching the information requested by the particular user. Bryan's creating a voice portal for a user is not: receiving a prerecorded presentation control instruction; selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and presenting the selected structural element to the user as claimed in the present application. As mentioned above, a presentation control instruction instructs a presentation session to carry out a presentation action such as, for example, 'page down.' Also from above, readers will note that a classified structural element is included in a session structured

document, which, in turn, is included in a session document. A session document is a document derived from a presentation document targeted for the participants of a presentation that includes a session grammar derived from a presentation grammar in a presentation document and a session structured document derived from a structured document in a presentation document. As mentioned above, a voice portal of Bryan is an audio interface that allows an end user to search and access information using primarily spoken commands. Bryan at column 1, lines 17-19. An audio macro of Bryan is a word a user assigns to access either a specific source or piece of information or multiple sources or pieces of information with due regard to the associated reference source, full-text search, and temporal information. Bryan at column 5, lines 47-51. Bryan's voice portals and audio macro, therefore, have nothing whatsoever to do with a presentation control instruction, a session document, or classified structural elements as claimed in the present application. In fact, Bryan at column 11, lines 6-54, does not even mention 'classified structural element,' 'session structured document,' 'presentation control instruction,' 'user classifications of a user participant in the presentation,' 'receiving a prerecorded presentation control instruction,' 'selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation,' and 'presenting the selected structural element to the user.' Because the combination of Bryan and Capra does not teach or suggest each and every element and limitation of Applicants' claims, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Relations Among Claims

Independent claim 1 claims method aspects of differential dynamic content delivery according to embodiments of the present invention. Independent claims 14 and 27 respectively claim system and computer program product aspects of differential dynamic content delivery according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 14 and 27 are allowable because claim

1 is allowable. The rejections of claims 14 and 27 therefore should be withdrawn, and claims 14 and 27 should be allowed.

Claims 2-13, 15-26, and 28-39 depend respectively from independent claims 1, 14, and 27. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of Bryan and Capra does not disclose or suggest each and every element of the independent claims, so also the combination of Bryan and Capra cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of claims 2-13, 15-26, and 28-39 therefore should be withdrawn, and these claims also should be allowed.

In addition to the elements and limitations of the independent claims, the dependent claims 2-13, 15-26, and 28-39, also include such elements and limitations as follows: 'the prerecorded presentation control instruction has an associated time stamp,' 'recording a time stamp in association with the presentation control instruction,' 'receiving from a user participating in the presentation a key phrase and optional parameters for invoking a presentation action,' 'parsing the key phrase and parameters against a voice response grammar into a presentation control instruction,' 'selecting a classified structural element includes selecting a classified structural element in dependence upon the presentation action identifier and the parameters,' 'selecting a classified structural element having an associated classification identifier that corresponds to the user classification,' 'inserting the selected structural element in a data structure appropriate to the data communications protocol,' 'identifying a presentation document for a presentation, the presentation document including a presentation grammar and a structured document having structural elements classified with classification identifiers,' 'filtering the structured document in dependence upon the user classifications and the classification identifiers,' 'extracting, from the structured document, structural elements having classification identifiers corresponding to the user classifications,' 'writing the extracted structural elements into a session structured document in the session document,' 'filtering the presentation grammar, in dependence upon the extracted structural elements, into a session grammar in the session document,' 'creating, in

dependence upon an original document, a structured document comprising one or more structural elements,’ ‘classifying a structural element of the structured document according to a presentation attribute,’ and ‘creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document.’ In addition to not disclosing the elements of the independent claims, the proposed combination of Bryan and Capra also does not disclose these additional elements. The rejections of claims 2-13, 15-26, and 28-39, therefore, should be withdrawn, and these claims also should be allowed.

No Suggestion or Motivation to Combine Bryan and Capra

To establish a prima facie case of obviousness, there must be a suggestion or motivation to combine Bryan and Capra. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The suggestion or motivation to combine Bryan and Capra must come from the teaching of either Bryan or Capra themselves, and the Examiner must explicitly point to the teaching within Bryan or Capra suggesting the proposed combination. Absent such a showing, the Examiner has impermissibly used “hindsight” occasioned by Applicants’ own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 U.S.P.Q.2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.2d 488m 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.,2d 115, 117, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989).

The Office Action at page 8 states its rationale for motivation to combine as:

Both Bryan and Capra are analogous art, since both are directed toward searching and presenting information from the web via a voice interface It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Capra to Bryan, since Capra teaches creating a structured document containing context grammar to help provide access to the shared context for other applications thereby increasing the portability and accessibility of the shared context and Bryan teaches dynamic voice content delivery and would therefore

have the benefit of the portable shared context and user query method taught by Capra.

That is, the final Office Action repeats the position of the first Office Action of March 22, 2006, that Bryan at the Abstract, Capra at page 1, column 2, paragraphs 1 and 3, and Capra at section 5.2.3, suggest or motivate the combination of Bryan and Capra. Applicants respectfully note in response that what Bryan at the Abstract in fact discloses is:

A method and system for creating, using, and updating individual user voice portals in a multi-user environment is disclosed. Each user selects data sources, keywords and time intervals for searching the data sources, and grammar for accessing search results. Based on this information, an individual voice portal is created for the user. The requested information is extracted from the specified data sources and cached or stored in a database to increase extraction speed. The user accesses the individual voice portal using a unique identifier assigned to the user and the selected grammar. Because each user has a unique voice portal, the search space for software that interprets the grammar is decreased. As a result, the likelihood of misinterpretation and the time for extracting the requested information are decreased.

That is, Bryan at the Abstract merely describes in generally terms a system for creating, using, and updating individual user voice portals in a multi-user environment. Capra generally discloses allowing a user to browse web pages on their personal computer and then make queries about information viewed on those web pages using a voice user interface. Bryan at the Abstract does not mention anything about querying information previously viewed on web pages, and does not suggest or motivate the proposed combination of Bryan's creating, using, and updating individual user voice portals in a multi-user environment with Capra's allowing a user to browse web pages on their personal computer and then make queries about information viewed on those web pages using a voice user interface. Because neither Bryan nor Capra suggests or motivates the combination of Bryan and Capra, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to Capra at page 1, column 2, paragraphs 1 and 3, Capra at section 5.2.3, Applicants respectfully note in response that what Capra at page 1, column 2, paragraphs 1 and 3, in fact discloses is:

We are especially interested in the portability and accessibility of shared context. Shared context needs to be accessible from different environments that have different input/output modalities: personal computers with a keyboard, mouse and large screen; PDAs with small screens and an input stylus; cellular telephones with a small screen and buttons; and voice interfaces for access from any telephone.

...

Using this architecture, we have implemented a system called WebContext. WebContext allows a user to browse web pages on their personal computer and then make queries about information viewed on those web pages using a voice user interface.

That is, Capra at page 1, column 2, paragraphs 1 and 3, discloses is accessing shared contexts from different environments that have different input/output modalities by allowing a user to browse web pages on their personal computer and then make queries about information viewed on those web pages using a voice user interface. Bryan, however, is directed generally toward generating and providing access to user-defined voice portals. Capra at page 1, column 2, paragraphs 1 and 3, does not mention anything about user-defined voice portals, and does not suggest or motivate the proposed combination of Capra's allowing a user to browse web pages on their personal computer and then make queries about information viewed on those web pages using a voice user interface with Bryan's generating and providing access to user-defined voice portals. Because neither Capra nor Bryan suggests or motivates the combination of Bryan and Capra, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to section 5.2.3 of Capra, Applicants respectfully note in response that what Capra at section 5.2.3 in fact discloses is creating a grammar for use by voice applications from the information stored in document models. As mentioned above,

however, Bryan is directed generally toward generating and providing access to user-defined voice portals. Capra at section 5.2.3 does not mention anything about user-defined voice portals, and does not suggest or motivate the proposed combination of Bryan's generating and providing access to user-defined voice portals with Capra's allowing a user to browse web pages on their personal computer and then make queries about information viewed on those web pages using a voice user interface. Because neither Bryan nor Capra suggests or motivates the combination of Bryan and Capra, combination of Bryan and Capra does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Conclusion

Claims 1-26 stand rejected under 35 U.S.C § 101 on grounds that the claimed invention is directed to non-statutory subject matter. Furthermore, Applicants' demonstrated that the claims are statutory. Claims 1-26, therefore, are patentable and should be allowed. Applicants respectfully traverse each rejection individually and request the withdrawal of the rejection of claims 1-26.

Claims 1-39 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Bryan in view of Capra. For the reasons discussed above, the proposed combination of Bryan and Capra does not establish a prima facie case of obviousness against the Applicants' claims. Claims 1-39, therefore, are patentable and should be allowed. Applicants respectfully traverse each rejection individually and request the withdrawal of the rejection of claims 1-39.

In view of the forgoing arguments, reversal on all grounds of rejection is requested.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: January 26, 2007

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APPENDIX OF CLAIMS
ON APPEAL IN PATENT APPLICATION OF
WILLIAM K. BODIN, *ET AL.*, SERIAL NO. 10/756,158

CLAIMS

What is claimed is:

1. A method for differential dynamic content delivery, the method comprising:

providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;

receiving a prerecorded presentation control instruction;

selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and

presenting the selected structural element to the user.
2. The method of claim 1 wherein the prerecorded presentation control instruction has an associated time stamp.
3. The method of claim 1 further comprising creating a prerecorded presentation session, including repeatedly:

recording a presentation control instruction; and

recording a time stamp in association with the presentation control instruction.

4. The method of claim 3 further comprising creating the presentation control instruction, including:

receiving from a user participating in the presentation a key phrase and optional parameters for invoking a presentation action; and

parsing the key phrase and parameters against a voice response grammar into a presentation control instruction.

5. The method of claim 1 wherein:

the prerecorded presentation control instruction includes a presentation action identifier and optional parameters; and

selecting a classified structural element includes selecting a classified structural element in dependence upon the presentation action identifier and the parameters.

6. The method of claim 1 wherein selecting a classified structural element further comprises selecting a classified structural element having an associated classification identifier that corresponds to the user classification.

7. The method of claim 1 wherein presenting the selected structural element to the user further comprises:

selecting a data communications protocol for the presentation;

inserting the selected structural element in a data structure appropriate to the data communications protocol; and

transmitting the data structure to the user according to the data communications protocol.

8. The method of claim 1 further comprising creating a session document from a presentation document, including:
- identifying a presentation document for a presentation, the presentation document including a presentation grammar and a structured document having structural elements classified with classification identifiers;
- identifying a user participant for the presentation, the user having a user profile comprising user classifications; and
- filtering the structured document in dependence upon the user classifications and the classification identifiers.
9. The method of claim 8 wherein filtering the structured document comprises:
- extracting, from the structured document, structural elements having classification identifiers corresponding to the user classifications; and
- writing the extracted structural elements into a session structured document in the session document.
10. The method of claim 9 further comprising filtering the presentation grammar, in dependence upon the extracted structural elements, into a session grammar in the session document.
11. The method of claim 8 further comprising creating a presentation document, including:
- creating, in dependence upon an original document, a structured document comprising one or more structural elements;

classifying a structural element of the structured document according to a presentation attribute; and

creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document.

12. The method of claim 11 wherein classifying a structural element comprises:

identifying a presentation attribute for the structural element;

identifying a classification identifier in dependence upon the presentation attribute; and

inserting the classification identifier in association with the structural element in the structured document.

13. The method of claim 11 wherein creating a presentation grammar for the structured document comprises:

identifying the content type of the original document;

selecting, in dependence upon the content type, a full presentation grammar from among a multiplicity of full presentation grammars; and

filtering the full presentation grammar into a presentation grammar for the structured document in dependence upon the structural elements of the structured document.

14. A system for differential dynamic content delivery, the system comprising:
- means for providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;
- means for receiving a prerecorded presentation control instruction;
- means for selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and
- means for presenting the selected structural element to the user.
15. The system of claim 14 wherein the prerecorded presentation control instruction has an associated time stamp.
16. The system of claim 14 further comprising means for creating a prerecorded presentation session, including:
- means for recording a presentation control instruction; and
- means for recording a time stamp in association with the presentation control instruction.
17. The system of claim 16 further comprising means for creating the presentation control instruction, including:
- means for receiving from a user participating in the presentation a key phrase and optional parameters for invoking a presentation action; and

means for parsing the key phrase and parameters against a voice response grammar into a presentation control instruction.

18. The system of claim 14 wherein:

the prerecorded presentation control instruction includes a presentation action identifier and optional parameters; and

means for selecting a classified structural element includes means for selecting a classified structural element in dependence upon the presentation action identifier and the parameters.

19. The system of claim 14 wherein means for selecting a classified structural element further comprises means for selecting a classified structural element having an associated classification identifier that corresponds to the user classification.

20. The system of claim 14 wherein means for presenting the selected structural element to the user further comprises:

means for selecting a data communications protocol for the presentation;

means for inserting the selected structural element in a data structure appropriate to the data communications protocol; and

means for transmitting the data structure to the user according to the data communications protocol.

21. The system of claim 14 further comprising means for creating a session document from a presentation document, including:

means for identifying a presentation document for a presentation, the presentation document including a presentation grammar and a structured document having structural elements classified with classification identifiers;

means for identifying a user participant for the presentation, the user having a user profile comprising user classifications; and

means for filtering the structured document in dependence upon the user classifications and the classification identifiers.

22. The system of claim 21 wherein means for filtering the structured document comprises:

means for extracting, from the structured document, structural elements having classification identifiers corresponding to the user classifications; and

means for writing the extracted structural elements into a session structured document in the session document.

23. The system of claim 22 further comprising means for filtering the presentation grammar, in dependence upon the extracted structural elements, into a session grammar in the session document.

24. The system of claim 21 further comprising means for creating a presentation document, including:

means for creating, in dependence upon an original document, a structured document comprising one or more structural elements;

means for classifying a structural element of the structured document according to a presentation attribute; and

means for creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document.

25. The system of claim 24 wherein means for classifying a structural element comprises:

means for identifying a presentation attribute for the structural element;

means for identifying a classification identifier in dependence upon the presentation attribute; and

means for inserting the classification identifier in association with the structural element in the structured document.

26. The system of claim 24 wherein means for creating a presentation grammar for the structured document comprises:

means for identifying the content type of the original document;

means for selecting, in dependence upon the content type, a full presentation grammar from among a multiplicity of full presentation grammars; and

means for filtering the full presentation grammar into a presentation grammar for the structured document in dependence upon the structural elements of the structured document.

27. A computer program product for differential dynamic content delivery, the computer program product comprising:

a recording medium;

means, recorded on the recording medium, for providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;

means, recorded on the recording medium, for receiving a prerecorded presentation control instruction;

means, recorded on the recording medium, for selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and

means, recorded on the recording medium, for presenting the selected structural element to the user.

28. The computer program product of claim 27 wherein the prerecorded presentation control instruction has an associated time stamp.
29. The computer program product of claim 27 further comprising means, recorded on the recording medium, for creating a prerecorded presentation session, including:

means, recorded on the recording medium, for recording a presentation control instruction; and

means, recorded on the recording medium, for recording a time stamp in association with the presentation control instruction.

30. The computer program product of claim 29 further comprising means, recorded on the recording medium, for creating the presentation control instruction, including:
- means, recorded on the recording medium, for receiving from a user participating in the presentation a key phrase and optional parameters for invoking a presentation action; and
- means, recorded on the recording medium, for parsing the key phrase and parameters against a voice response grammar into a presentation control instruction.
31. The computer program product of claim 27 wherein:
- the prerecorded presentation control instruction includes a presentation action identifier and optional parameters; and
- means, recorded on the recording medium, for selecting a classified structural element includes means, recorded on the recording medium, for selecting a classified structural element in dependence upon the presentation action identifier and the parameters.
32. The computer program product of claim 27 wherein means, recorded on the recording medium, for selecting a classified structural element further comprises means, recorded on the recording medium, for selecting a classified structural element having an associated classification identifier that corresponds to the user classification.
33. The computer program product of claim 27 wherein means, recorded on the recording medium, for presenting the selected structural element to the user further comprises:

means, recorded on the recording medium, for selecting a data communications protocol for the presentation;

means, recorded on the recording medium, for inserting the selected structural element in a data structure appropriate to the data communications protocol; and

means, recorded on the recording medium, for transmitting the data structure to the user according to the data communications protocol.

34. The computer program product of claim 27 further comprising means, recorded on the recording medium, for creating a session document from a presentation document, including:

means, recorded on the recording medium, for identifying a presentation document for a presentation, the presentation document including a presentation grammar and a structured document having structural elements classified with classification identifiers;

means, recorded on the recording medium, for identifying a user participant for the presentation, the user having a user profile comprising user classifications; and

means, recorded on the recording medium, for filtering the structured document in dependence upon the user classifications and the classification identifiers.

35. The computer program product of claim 34 wherein means, recorded on the recording medium, for filtering the structured document comprises:

means, recorded on the recording medium, for extracting, from the structured document, structural elements having classification identifiers corresponding to the user classifications; and

means, recorded on the recording medium, for writing the extracted structural elements into a session structured document in the session document.

36. The computer program product of claim 35 further comprising means, recorded on the recording medium, for filtering the presentation grammar, in dependence upon the extracted structural elements, into a session grammar in the session document.

37. The computer program product of claim 34 further comprising means, recorded on the recording medium, for creating a presentation document, including:

means, recorded on the recording medium, for creating, in dependence upon an original document, a structured document comprising one or more structural elements;

means, recorded on the recording medium, for classifying a structural element of the structured document according to a presentation attribute; and

means, recorded on the recording medium, for creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document.

38. The computer program product of claim 37 wherein means, recorded on the recording medium, for classifying a structural element comprises:

means, recorded on the recording medium, for identifying a presentation attribute for the structural element;

means, recorded on the recording medium, for identifying a classification identifier in dependence upon the presentation attribute; and

means, recorded on the recording medium, for inserting the classification identifier in association with the structural element in the structured document.

39. The computer program product of claim 37 wherein means, recorded on the recording medium, for creating a presentation grammar for the structured document comprises:

means, recorded on the recording medium, for identifying the content type of the original document;

means, recorded on the recording medium, for selecting, in dependence upon the content type, a full presentation grammar from among a multiplicity of full presentation grammars; and

means, recorded on the recording medium, for filtering the full presentation grammar into a presentation grammar for the structured document in dependence upon the structural elements of the structured document.

APPENDIX OF EVIDENCE
ON APPEAL IN PATENT APPLICATION OF
WILLIAM K. BODIN, *ET AL.*, SERIAL NO. 10/756,158

This is an evidence appendix in accordance with 37 CFR § 41.37(c)(1)(ix).

There is in this case no evidence submitted pursuant to 37 CFR §§ 1.130, 1.131, or 1.132, nor is there in this case any other evidence entered by the examiner and relied upon by the appellants.

RELATED PROCEEDINGS APPENDIX

This is a related proceedings appendix in accordance with 37 CFR § 41.37(c)(1)(x).

There are no decisions rendered by a court or the Board in any proceeding identified pursuant to 37 CFR § 41.37(c)(1)(ii).